IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2406 OF 2007

Arvind Ganpatrao Rokade ..Petitioner
Vs.
Dattatraya Nanasaheb Bhagat
(since deceased through his LRs)
Smt. Sushila Dattatraya Bhagat
and 2 ors. ..Respondents

Mr. P.N. Karlekar for petitioner.
Mr. Jaydeep Deo i/by Mrs. Suhasini Mutalik for respondent nos.1A to 1C.

CORAM: B.H. MARLAPALLE, J.
Date : June 15, 2007.

P.C.:

1. Heard Mr. Karlekar the learned counsel for the petitioner-tenant. By the impugned order dated 22/1/2007 the learned Ad-hoc District Judge - 10 at Pune has directed the petitioner to deposit a sum of Rs.8000/- per month in addition to the recovery payment of the rent till the decision in Civil Appeal No. 633 of 2003.

2. Admittedly, the decree of eviction is under challenge. The premises are four rooms with a toilet block and they are being used as residence-cum-office by an Advocate. The total payment for the time being as directed by the impugned order will come to Rs.8000/- plus Rs.275/- per month.

3. It is well settled that when an appeal against a decree of eviction is pending, the tenant should be directed to pay a reasonable amount of rent. In this regard Mr. Kalekar has relied upon the decision in the case of Atmaram Properties (P) Ltd. vs. Federal Motors (P) Ltd. [(2005) 1 SCC 705].

4. Having regards to the fact that the suit premises are located near the PMC Depot in Shivajinagar and the size of the premises, I am satisfied that the directions given by the Lower Appellate Court for payment of Rs.8000/- plus Rs.275/- per month cannot be termed as unreasonable or arbitrary and, therefore, no interference is called for in the said order while exercising the powers under Article 227 of the Constitution.

5. The petition is rejected summarily. Appeal is directed to be expedited.

(B.H. Marlapalle,J.)